IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

APPEAL NO.541 OF 2006
IN
SUMMONS FOR JUDGMENT NO.128 OF 2005
IN
SUIT NO.484 OF 2004

M/s. Ami Exports ..Appellant.
Vs.
Silvai Anthony ..Respondent.

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Smt. J.M. Sidhwa with Ms. J.C. Shah i/b Daru Shah & Co. for the Appellant.
Shri. J.S. Kini for the Respondent.

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CORAM: **R. M. S. KHANDEPARKAR, &**
DR. D.Y. CHANDRACHUD, JJ.

31st January, 2007.

P.C. :

The learned advocate appearing for the Appellant after taking instructions states that the Appellant undertakes to pay the amount of Rs.1,25,950/- with eight weeks from today and on payment thereof, the learned advocate for the Respondent states that the Respondent would waive the remaining amount ordered to be paid in terms of the decree and would consider the decree to have been satisfied on payment of the said amount as undertaken

on behalf of the Appellant. We accept the said statements and accordingly the Appellant is permitted to pay the sum of Rs.1,25,950/- in satisfaction of the decree under challenge within eight weeks failing which the decree issued by the Learned Single Judge shall become executable forthwith. In case, the Appellant pays the sum of Rs.1,25,950/- within eight weeks, the decree shall stand satisfied without any amount being due and payable over and above the said amount by the Appellant to the Respondent and to that extent the impugned decree shall stand modified. The Appeal accordingly stands disposed of.

(R. M. S. KHANDEPARKAR, J.)

(DR. D.Y. CHANDRACHUD, J.)